

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 1, 2003

Tuesday, 9:05 A.M.

The City Council met in regular session with Vice Mayor Fearey in the Chair. Council Members Brewer, Gray, Lambke, Martz, Schlapp present. Mayor Mayans absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Rev. Kate Moorehead, St. James Episcopal Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of June 17, 2003, were approved 6 to 0. (Mayans absent)

AWARDS AND PRESENTATIONS

PROCLAMATION Proclamation previously approved was presented.

AWARD The Kansas Contractors' Association presented an award to the City for the 42-Inch Raw Water Transmission Line Project.

UNFINISHED BUSINESS

CUP2003-00024 **CUP2003-00024 – DP151 AMENDMENT NO. 3 – AMENDMENT TO THE DUGAN CENTRE COMMUNITY UNIT PLAN – SOUTH OF TAFT, WEST OF DUGAN. (District V)**
(Continued from June 17, 2003)

Agenda Report No. 03-0673A.

On June 17, 2003, this Item was deferred to the July 1, 2003, City Council meeting.

Motion -- Martz moved that the Item be deferred one week to work on technical items. Motion carried 6 to 0.
-- carried (Mayans absent)

128/132 N. MOSLEY **APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 128 AND 132 NORTH MOSLEY. (District VI)**
(Continued from June 17, 2003)

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 03-0639A.

The owner of 128-132 N. Mosley (Kansas Paint Building) sought permission to demolish the building in order to construct a parking lot. At its June 2003 meeting the Historic Preservation Board found that demolition of the building would damage the Old Town Historic District. The owner appealed to the governing body under the provisions of state law seeking a determination that there was no feasible and prudent alternative to demolition and that the program for demolition includes all possible planning for minimizing harm to the District. The Council heard from the owner and its agent at its meeting on June 17, 2003. There was no testimony presented by parties offering information that there were feasible

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and prudent alternatives to demolition. The Council determined, from all the relevant factors, that there was no feasible and prudent alternative to demolition of the Kansas Paint Building and that the demolition included all possible planning to minimize harm to the Old Town Historic District.

Based on all relevant factors and the information presented at the public hearing on this appeal, the Council finds as follows:

1. That the subject property has been listed for sale since September 2002 and there have been no offers to purchase the same for a use that would preserve the building.
2. That the permissible uses of this building are severely limited by virtue of the hazardous materials that have been used in and around the building during its more than 80 years as a paint manufacturing facility.
3. That because of the requirements for properly, lawfully and effectively mitigating the environmental hazards in and around the building, it will be necessary to demolish more than ¾ of the building so that facilities in the basement can be removed. This demolition would be necessary even if there were an appropriate plan for renovating the building.
4. The costs of removing the environmental hazards that exist in and around this building in order to make it suitable for the limited purposes for which it could be used are substantial (in excess of \$200,000) and it is not feasible nor is it financially prudent to attempt to clean-up, repair and renovate this building.
5. Demolition of the subject building and construction of a parking lot is the only feasible and prudent alternative that the Council can identify from the information provided during the public hearing on this appeal.
6. The demolition of this building includes all possible planning to protect the public generally and the Old Town Historic District specifically and to minimize harm to the District.

The facts and information presented to the governing body at the appeal hearing support the above findings.

Motion --

Fearey moved that the City Council adopt the findings set forth above in support of the Council's determination that there is no feasible and prudent alternative to the demolition of 128-132 N. Mosley; the program for the demolition includes all possible planning for minimizing harm to the Old Town Historic District; and the long-term plans should include plans for commercial development.

-- carried

Motion carried 6 to 0. (Mayans absent)

NEW BUSINESS

BIG DOG IRB

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – BIG DOG MOTORCYCLES, L.L.C. **(District I)**

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0677.

On October 19, 1999, City Council approved the issuance of Industrial Revenue Bonds in the amount of \$2 million, and granted a five-plus-five-year 100% tax exemption on all bond-financed property to Big Dog Motorcycles, L.L.C. Proceeds from the bond issue were used to acquire, refurbish and equip the former Quality Chevrolet facility at 1520 East Douglas in central Wichita. On October 2, 2002, City Council also approved the issuance of Industrial Revenue Bonds in the amount of \$800,000, and granted a 100% property tax abatement on bond-financed property to finance the construction of a new warehouse.

Big Dog Motorcycles is now requesting the City to issue a six-month Letter of Intent for IRBs in an amount of \$1,100,000 to finance another expansion of that facility. The company also requests a five-plus-five year 100% property tax exemption on the new IRB-financed property.

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Big Dog Motorcycles, L.L.C. was founded in Wichita 1992. Big Dog is owned by Waterview Realty, L.L.C., which is 100% owned by Waterview Holdings, L.L.C. Waterview Holdings is a holding company owned by CD Investment Partners, L.P., the Coleman family's investment partnership. The partnership consists of various Coleman family Trusts, with Mr. Sheldon Coleman serving as CEO.

Big Dog Motorcycles originated as a small shop performing custom work for Harley Davidson motorcycles. Over the years, Big Dog has developed its own product designs and has become a licensed manufacturer of high end, quality cruiser motorcycles. The business has experienced tremendous growth in sales and currently has 50 dealers around the country.

The proposed facility will be an addition to Big Dog's corporate headquarters and main manufacturing plant located on east Douglas. The expansion will be located on land already owned by Big Dog. The expansion will consist of approximately an 18,000 s.f. warehouse building. This addition will create space for additional offices and manufacturing activities in the existing plant. The warehouse will be used for motorcycle storage, parts storage, receiving and quality control.

The majority of the Big Dog sales are exported outside of the State of Kansas. Since bonds were issued in 2000, Big Dog has exceeded their commitment in employment. Big Dog currently has 257 employees. In conjunction with the current improvement project, Big Dog plans to add 40 new jobs to their current employment within five years.

An estimate of the uses of project funds is:

USES OF FUNDS

Construction Costs	\$ 750,000
Other Improvements	50,000
Furniture, Fixtures & Equipment	280,000
Costs of Issuance	20,000
Total Cost of Project:	\$ 1,100,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The taxable bonds will be purchased by Waterview Realty L.L.C., and not reoffered to the public. Big Dog Motorcycle agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research conducted a cost-benefit analysis to determine the fiscal and economic impact and the results are as follow:

City of Wichita	1.84 to one
Sedgwick County	5.06 to one
USD 259	2.61 to one
State of Kansas	38.39 to one

Big Dog Motorcycles agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. As a corporate headquarters, Big Dog Motorcycles qualifies for a five-plus-five-year 100% property tax exemption on property financed with bond proceeds.

Bond documents will be prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Vice Mayor Fearey

Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion --

Brewer moved that a six-month Letter of Intent to Big Dog Motorcycles, L.L.C. for Industrial Revenue Bonds in an amount not-to-exceed \$1,100,000 be approved, a five-plus-five-year 100% tax exemption on all portions of the proposed project be granted, subject to Standard Letter of Intent conditions, and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

-- carried

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2002 CAFR

2002 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Kelly Carpenter

Assistant Director of Finance reviewed the Item.

Agenda Report No. 03-0678.

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. The 2002 Comprehensive Annual Financial Report (CAFR) was provided to the City Council on May 27, 2003. Additionally, an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report and the report on compliance required by the Bureau of Justice are for the year ended December 31, 2002.

The City's Comprehensive Annual Financial Report is designed to provide information needed by interested parties to gain a fair understanding of the government's financial position, results of operations and cash flows. The independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. issued their opinion that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of December 31, 2002, and the results of its operations and the cash flows of its business-type activities and component unit in conformity with generally accepted accounting principles. The Wichita Public Building Commission is considered a component unit and has been appropriately reflected in the financial statements as part of the financial reporting entity.

The Government Finance Officer's Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Comprehensive Annual Financial Report for the year ended December 31, 2001. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. Staff believes that the 2002 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Mark Dick

Allen, Gibbs, and Houlik presented the 2002 audit results. The audit found:

- No significant audit adjustments to the books and records
- No disagreements with management of the City as it relates to accounting policies and recordings.
- No significant errors
- No illegal acts
- Full cooperation from management and staff.
- A significant change in the change in financial statements with implementation of full accrual accounting.
- A significant or substantial transaction of dollars transferred from the landfill closure to the airlines.
- Compliance with federal requirements, Kansas cash basis and budget laws.
- No material weaknesses in internal controls.

Vice Mayor Fearey

Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the Comprehensive Annual Financial Report and the Independent Accountants' report regarding compliance with administration of the Department of Justice Forfeiture Program for the year ended December 31, 2002, be received and filed. Motion carried 6 to 0. (Mayans absent)

-- carried

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ELECTRIC LINES

RELOCATION OF WESTAR ENERGY ELECTRIC LINES FOR THE EAST KELLOGG FREEWAY PROJECT – GOVERNEOUR TO KANSAS TURNPIKE AUTHORITY. **(District II)**

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 03-0679.

Westar Energy has overhead lines along east Kellogg which provide street lighting and electrical service to the adjacent properties, as well as transmission lines. To allow the construction of the East Kellogg Freeway, these lines must be relocated. Westar Energy can relocate the lines overhead or underground.

There is no cost to the City if the lines are relocated overhead. If the lines are placed underground, the cost difference between overhead (\$522,186) and underground (\$3,372,226) installation must be borne by the City, which is estimated to be \$2,850,040.

Electrical lines along previous Kellogg freeway projects have been placed underground with each project phase. An expenditure of \$2.85 Million for undergrounding of electrical lines represents 2.7% of this \$105 Million project. It is recommended that the transmission and distribution lines continue to be placed underground in this important retail corridor. If the City Council selects the underground alignment, an Agreement will be prepared and submitted for Council approval at a later date.

If the lines are relocated overhead there will be no cost to the City. If they are relocated underground, the City's portion of the underground relocation costs is \$2,850,040. The funding source is Local Sales Tax.

Vice Mayor Fearey

Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Schlapp moved that the underground alignment be selected; with the possibility of looking at bidding the work out if it would provide a savings for the City. Motion carried 6 to 0. (Mayans absent)

BROOKS LANDFILL

COMPLIANCE WITH AIR REGULATIONS – BROOKS LANDFILL. (District V)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 03-0680.

The Brooks Landfill is required to have a permit under Title V of the Federal Clean Air Act. City staff filed initial air emissions information with the Kansas Department of Health and Environment (KDHE) on April 29, 1998. On July 26, 2002, KDHE staff met with City staff concerning air regulation compliance issues. City staff, along with the City's partner in the development of the landfill gas collection system (Wichita Gas Producers, LLC – a company owned by DTE Biomass Energy, Inc.), has been working with KDHE since that meeting to address the issues that were raised. On Tuesday, April 1, 2003, the City Council directed staff to issue a Request for Proposals (RFP) and to return to the Council with a proposed agreement to retain the recommended consultant.

On April 9, 2003, the City issued a Request for Proposal for consulting services for compliance with air pollution regulations including Title V of the Clean Air Act. Eight proposals were received by the deadline of May 5, 2003. The Staff Screening and Selection Committee (SSSC) met on May 9, 2003, and selected three of the firms to interview. The SSSC interviewed SCS Engineers, Burns & McDonnell, and Camp Dresser & McKee (CDM) on May 27, 2003. Following the interviews, the SSSC selected Camp Dresser & McKee as the recommended consultant for this engagement. The scope of services has been set to ensure that once this engagement is successfully completed that the site will be in compliance with the state and federal permitting requirements. Ongoing proper operation, maintenance, testing, record keeping, and reporting will be required to keep the site in compliance.

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The tasks that were identified in the RFP and CDM's not-to-exceed amount for each are:

RFP Tasks	Not-to-Exceed
Title V Air Permit Application and Draft Permit	\$16,500.00
SSM (Startup, Shutdown, & Malfunction) Plan	6,150.00
Quarterly Surface Monitoring RFP (Request for Proposals)	3,960.00
Quarterly Surface Monitoring Plan Training and Equipment Specifications	11,260.00
MOU (Memorandum of Understanding) for all parties for air regulation compliance	4,960.00
Re-Monitoring of Surface Emissions Exceedences (for two quarters only)	2,370.00
TOTAL	\$45,200

In CDM's proposal four additional tasks were identified. These additional tasks are:

Additional Tasks	Not-to-Exceed
Compliance Support for Title V Operating Permit Reporting (annual)	13,970.00
Negotiate Compliance Plan and Schedule with KDHE	5,430.00
Petition KDHE to Exempt Cells A and B from Landfill Gas Collection and Control	1,875.00
Petition KDHE for Alternative Remedy for High Oxygen Concentrations in Cell C	1,875.00

The total not-to-exceed amount for this agreement will be limited to the tasks in the Request for Proposal and will therefore be \$45,200.00. If any of the "Additional Tasks" are later determined to be needed, the above not-to-exceed amounts would be incorporated into a supplemental agreement. Sufficient funds are available in the Maintenance Division's Landfill Post Closure Fund (OCA # 131384) to pay for these services. One of the outcomes of this consulting engagement will be to determine other expenses the City will face to bring the site into compliance with current air regulations.

The City of Wichita must comply with applicable Federal and State laws including those contained in Title V of the Clean Air Act. These laws place requirements for permits and data collection and reporting on sites such as the Brooks Landfill. The Contract has been approved as to form by the Law Department.

Vice Mayor Fearey Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion -- Fearey moved that the contract be approved, and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Mayans absent)

PARK MEMORIALS **PARK MEMORIAL DONATIONS:**

LES LONGHAUSER MEMORIAL PICNIC PAVILION – SOUTH LAKES SOCCER COMPLEX. (District IV)

Doug Kupper Director of Parks and Recreation reviewed the Item.

Agenda Report No. 03-0681.

The Sedgwick County Soccer Association (SCSA) contacted the Park and Recreation Department Director with a proposal to construct a memorial picnic pavilion near the soccer fields at the South Lakes Sports Complex at 2211 West 47th St. South. The pavilion would be named the "Les Longhauser Memorial Picnic Pavilion" after long-time soccer enthusiast, coach, referee, and President of the Kansas Soccer Coaches Association, Les Longhauser.

The structure will include a bronze statue of a soccer player with a memorial plaque honoring Mr. Longhauser. The CIP Park Improvement Fund may be used to fund a portion of this facility, depending on donations received and construction costs. The SCSA has agreed to be responsible for any future maintenance of this improvement and memorial.

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Park and Recreation staff have reviewed the proposed site for the memorial picnic pavilion at South Lakes. The organization presented the proposal to the Park Board at their April 14, 2003, meeting. The City's Landscape Architect will work with SCSA officials to construct a structure that is compatible with other site improvements. The Board voted unanimously to recommend that the City Council accept the memorial and approve the proposed installation.

There may be minimal cost of less than \$5,000 through the CIP Park Improvement Fund to construct this new picnic shelter. No other ongoing maintenance costs will be associated with the care of this facility.

SCSA has agreed to enter into a contract with the City of Wichita for upkeep of the pavilion and statue.

Vice Mayor Fearey Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion -- Gray moved donation of the "Les Longhauser Memorial Picnic Pavilion" be accepted, and installation at the South Lakes Soccer Complex be approved. Motion carried 6 to 0. (Mayans absent)
-- carried

PURPLE HEART MEMORIAL – VETERANS MEMORIAL PARK. (District VI)

Doug Kupper Director of Parks and Recreation reviewed the Item.

Agenda Report No. 03-0682.

The Wichita Area Chapter of the Military Order of the Purple Heart, known as the "Richard E. Cowan Chapter 558" after local hero and Medal of Honor and Purple Heart recipient Richard E. Cowan, contacted the Park and Recreation Department Director with a proposal to purchase, install and maintain a Purple Heart Memorial in Veterans Memorial Park at 201 S. Greenway Boulevard.

No City funds will be required to complete the project and all costs associated with the memorial, such as design, construction and installation, will be borne by the veteran's organization. The organization has also agreed to be responsible for any future maintenance to the memorial.

Park and Recreation staff have reviewed the proposed memorial site in relationship to any existing utility easements and other memorials located at the park. The organization presented the proposal to the Park Board at their March 10, 2003, meeting. The Board voted unanimously to recommend that the City Council accept the memorial and approve the proposed installation.

There are no City costs associated with this proposal, other than groundskeeping and mowing around the memorial.

The Wichita Area Chapter of the Military Order of the Purple Heart, Richard E. Cowan Chapter has agreed to enter into a contract with the City of Wichita for memorial upkeep.

Vice Mayor Fearey Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion -- Fearey moved that donation of the Purple Heart Memorial be accepted; and installation at Veterans Memorial Park be approved. Motion carried 6 to 0. (Mayans absent)
-- carried

ECONOMIC DEV.

ECONOMIC DEVELOPMENT: MEMORANDUM OF UNDERSTANDING

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 03-0728.

In 2002, the City, County and Chamber of Commerce entered into a community-wide effort to develop a strategic plan for economic development in the Wichita region. A primary recommendation of the Plan was to create an organizational structure comprised of public and private investors to focus on

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important economic development actions, including job recruitment, business retention and expansion, workforce development and related activities to support these objectives.

An essential element of the plan was to increase the financial participation of the private sector in economic development efforts. Following months of discussions and reviews, the interim steering group has recommended a five-year public/private initiative to fund and carry-out an aggressive economic development effort. This plan was presented to the Chamber of Commerce Board and adopted. It is now before the City and County governments for consideration.

As proposed, the plan would involve: development of a cooperative effort for economic development within the City, County and regional area; involvement and funding support from the private sector; a commitment of funding from both the private and public sectors; and regional participation. An essential element of the program will be defined goals and measurable achievements with timelines.

The governance structure will involve both private and public "investors" with an executive policy-directing function (Steering Council) responsible for the development and oversight of the economic development work plan (strategy); implementation of policy to guide the economic development program and plan; achievement of area cooperation; oversight of an effective marketing plan; and responsibility for performance and accountability of the plan. The organization would involve the primary partners, including Sedgwick County, City of Wichita, Wichita School Districts and other municipalities. The private sector would involve members of the Chamber of Commerce and others representatives of area businesses and industry. Regional partners, including the various agencies involved in economic development will also be encouraged to participate.

The Steering Council, the proposed policy and oversight governing body, will be comprised of eleven individuals selected from the public and private partners. The public sector will have five (5) members; the private representatives will have six (6) members.

The partners are being asked to adopt a Memorandum of Understanding to initiate the new economic development organization as the formal agreements are being developed. In addition, a marketing plan is also being introduced for consideration of the members of the newly formed organization.

To meet the City's objectives, it is suggested that the formal agreement for participation in the organization establish a strong and results-oriented business plan which identifies and focuses efforts in job growth and recruitment, retention and workforce development. In addition, a primary element of any plan should incorporate a cooperative and focused marketing efforts with other community partners aimed at carrying out the objectives of the economic development work plan. Finally, to achieve success, the economic development program must contain strategic actions with accepted measures of accomplishment.

The City Council has the authority to enter into an agreement for economic development purposes.

The proposed five-year plan involves a commitment of funding from both the public and private sectors of \$1 million annually. The City and County's participation suggests a per capita charge of \$0.60 cents. For Wichita, this would be \$206,570 (based on the 2002 census). A budget has not yet been established for the marketing proposal.

Vice Mayor Fearey	Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.
Unidentified	An unidentified speaker said the City should make sure all persons in the City are represented in the Plan.
Karl Peterjohn	Karl Peterjohn, Executive Director of the Kansas Taxpayers Network, said he did not see how this economic development proposal can succeed.
Motion --	Fearey moved that the City Council agree, in concept, to joining the economic development organization and to work with the other partners in developing the formal governance and economic development work plan/agreement. Motion carried 6 to 0. (Mayans absent)
-- carried	

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CITY FIREWORKS

AMENDMENT TO CITY FIREWORKS ORDINANCE.

Agenda Report No. 03-0683

Over the past few months, a task force on the use of fireworks within the city conducted meetings and formulated certain recommendations which were presented to the City Council. As a result of the task force report, the Council directed city staff to investigate and implement more efficient means of enforcing the laws regulating the use of fireworks. The City Code adopts the 1997 Uniform Fire Code which prohibits the storage, use and handling of all fireworks. However, since the 1980's, the Wichita Fire Department has allowed by practice the sale and use of certain types of fireworks within the city limits. Fire Department staff reviews such fireworks on an annual basis using certain guidelines as a basis for approval. The City Code currently provides no exception for this practice.

The proposed amendment brings the City Code in line with the current practice of allowing certain approved fireworks to be sold and discharged within the city limits. The amendment creates an exception to the ban on all fireworks and allows the storage, use, handling and possession of fireworks that are approved by the fire department. The specific guidelines used by the fire department for approval are set forth, and the amendment further requires that a list of approved fireworks be prepared and published in the official city newspaper and filed with the City Clerk on an annual basis.

There will be a cost for the publication of the list of fireworks approved for use by the Fire Department.

Vice Mayor Fearey

Vice Mayor Fearey inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Lambke moved that the Declare of Emergency be approved and the Ordinance be adopted on first reading. Motion carried 6 to 0. (Mayans absent)

ORDINANCE NO. 45-746

An Ordinance creating New Section 15.01.135 of the Code of the City of Wichita, Kansas, amending Section 7802.3 of the Uniform Fire Code, pertaining to prohibition of the storage, use handling and possession of certain fireworks within the City limits, and exceptions therefore. Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

CITY COUNCIL AGENDA

BOARD APPTS.

APPOINTMENTS TO THE WICHITA AIRPORT ADVISORY BOARD.

The Sedgwick County Commission has made the following recommendations for appointment to the Wichita Airport Advisory Board:

Bill Callaway, 4814 Ethel, Wichita 67220 (Norton)
Beth Garrison, 1528 Valleyview Ct., Wichita 67212 (Winters)
Dorothy McKay, 9106 Peppertree, Wichita 67226 (McGinn)
Dion Avello, 825 Honey Brook Lane, Derby 67037 (Sciortino)
Jay Swanson, #5 Lynnwood, Wichita 67207 (Unruh)

Motion --

-- carried

Fearey moved that the Sedgwick County Commission recommendations: Bill Callaway, Beth Garrison, Dorothy McKay, Dion Avello, and Jay Swanson be appointed to the Wichita Airport Advisory Board. Motion carried 6 to 0. (Mayans absent)

BOARD APPOINTMENTS.

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- Motion -- Brewer appointed Randy Brown - Library Board, Jane Ann Eshelman - Library Board, Dave Wells - MAPC, James Thompson - Wichita Airport Advisory Board, Bob Alford - Wichita Area Sister Cities, Mike Bellinger - Wichita Employees Retirement Board, and Dean Noble - Wichita Public Building Commission, and moved that the appointments be approved. Motion carried 6 to 0. (Mayans absent)
- carried
- Motion -- Gray appointed Mike Hastings - Police & Fire Retirement Board of Trustees, and moved that the appointment be approved. Motion carried 6 to 0. (Mayans absent)
- carried
- Motion -- Martz appointed Barbara Baker - Library Board, Randy Phillips - Board of Zoning Appeals, and Ann Brooks - Wichita Area Sister Cities, and moved that the appointments be approved. Motion carried 6 to 0. (Mayans absent)
- carried

CONSENT AGENDA

Fearey moved that the Consent Agenda, except Items 12 and 15f, be approved as consensus Items. Motion carried 6 to 0. (Mayans absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 30, 2003.

Bids were opened June 20 and June 27, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

2003 Park CIP Asphalt Parking Lot and Entry Drive Resurfacing Improvements - north of Mt. Vernon, east of West Street. (472-83796/785034/393166) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V)

APAC – Kansas Inc. - \$410,000.00 (Engineer's estimate)

Water distribution system to serve Pine Meadow Addition - south of 13th Street North, east of Greenwich. (448-89647/735131/470801) Does not affect existing traffic. (District II)

Nowak Construction - \$38,936.00

Brookview from Tyler Road to the east line of Lot 28, Block C; Valerie and 34th Street North from Brookview to the east line of Lot 32, Block B; Valerie Circle from 34th Street North to and including cul-de-sac; 34th Street North Court from 34th Street North to and including cul-de-sac to serve Lots 17 thru 24, Block B; 34th Street North Court from 34th Street North to and including cul-de-sac to serve Lots 25 thru 32, Block B; Sidewalk on one side of Brookview, Valerie and 34th Street North to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (472-83691/765784/490895) Does not affect existing traffic; and Brookview from the east line of Lot 28, Block C, to High Point; High Point, Brookview and Pepper Ridge from the south line of Tyler's Landing Addition to the north line of Tyler's Landing Addition; 34th Street North from the east line of Lot 32, Block B to Pepper Ridge; Lang from Pepper Ridge to the east line of Tyler's Landing Addition; Sidewalk on one side of Brookview and High Point, Brookview, and Pepper Ridge to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (472-83692/765784/490904) Does not affect existing traffic. (District V)

Ritchie Paving - \$381,346.05

2003 Sanitary Sewer Reconstruction, Phase 6 (Various Locations) - north of 31st Street South, east of Meridian (468-83648/620380/663501) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV,VI)

WB Carter Construction - \$262,131.00

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Sedgwick from the north line of 53rd St. North to 105 feet north of the south line of 57th St. North; Athenian from the north line of 54th St. North to the south line of vacated 57th St. N; Charles from the north line of 54th St. N to the south line of vacated 57th St. N; St. Clair from the north line of 54th St. North to the south line of vacated 57th St. North; Delaware from the north line of 54th St. N to the south line of vacated 57th St. N; 54th St. N from the west line of Sedgwick to the west line of Delaware; 56th St. N from the east line of Meridian to the west line of Delaware; 57th St. North from the east line of Meridian to the west line of Sedgwick to serve Leewood Heights, and 2nd, 3rd and 4th Additions, Anderson Acres, and others - north of 53rd Street North, east of Meridian. (472-83474/765717/490828) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$625,816.80

Water Distribution System to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89845/735134/470804) Does not affect existing traffic. (District II)

K C Excavating - \$26,973.00

Water Distribution System to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (448-89667/735124/470794) Does not affect existing traffic. (District II)

Mies Construction - \$33,611.25

Water Distribution System to serve Clear Creek Addition - south of Kellogg, west of 143rd Street East. (448-89807/735129/470799) Does not affect existing traffic. (District II)

Mies Construction - \$55,212.20

Storm Water Drain #203 to serve Clear Creek Addition - south of Kellogg, west of 143rd Street East. (468-83613/751337/485228) Does not affect existing traffic. (District II)

Pearson Excavating - \$237,000.85

Lateral 350 Four Mile Creek Sewer to serve Clear Creek Addition - south of Kellogg, west of 143rd Street East. (468-83612/743988/480676) Does not affect existing traffic. (District II)

Nowak Construction - \$79,567.13

Storm Water Drain #198 to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (468-83579/751330/485221) Does not affect existing traffic. (District V)

Utility Contractors – \$388,056.00

Lateral 352 Four Mile Creek Sewer to serve Grace Park - north of Harry, east of Greenwich. (468-83654/743995/480683) Does not affect existing traffic. (District II)

Nowak Construction - \$53,646.92

Storm Water Drain #204 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83625/751334/485225) Does not affect existing traffic. (District II)

Bob Bergkamp - \$638,248.50 (Group A/subtotal)

\$ 46,455.00 (Group C/subtotal)

\$684,703.50 (Aggregate bid total)

35th Street South from Gold to Gold to serve West Robbins 2nd Addition and South High School Addition - east of Seneca, south of 31st Street South. (472-83661/765762/490873) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

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Cornejo & Sons Inc. - \$22,322.00

Fearey moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

PARK DEPARTMENT/RECREATION DIVISION: Bermuda Grass Sprigging Soccer Fields. (602304)

Spring Creek Services - \$14,465.00 (Group 1/base bid/option 1)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Bricks. (132225)

Acme Brick Co *- \$0.19 (Total net bid/delivered)
\$0.19 (Total net bid/picked up)

*Redirect award

FIRE DEPARTMENT: Slip-in Pumps & Tank Units. (070136)

Hays Fire Equipment Sales & Service Inc. - \$28,485.00 (Group 1/total net Bid/
Additional three Units)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Chlorine (bulk). (183632)

Brenntag Southwest formerly HCI Advance Chemical - \$.339*

*Vendor requesting price increase of .115 cent per pound for increase from Chloride Industry. Contract will expire January 1, 2004.

Fearey moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

(Item No. 12)

LICENSE APPS.

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

New Escort Service

Robert Collins	Show Girls	2415 South Glendale
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Council Member Schlapp Council Member Schlapp expressed disapproval of this type of establishment.

Motion -- failed Schlapp moved that the Item be disapproved. Motion failed 3 to 3. Gray, Lambke, Schlapp - No.

Motion -- carried Fearey moved that the License be approved subject to Staff review and approval. Motion carried 4 to 2. (Mayans absent) Lambke, Schlapp - No.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Richard A. Diamond	Ty's Diner Inc.*	928 West Second Street
Akiko Miloni	Mama San's*	3811 West 13th Street
Bui Van Hanh	gon Restaurant*	1103 North Broadway

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<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Benjamin J. Schultz Jr.	T&E Oil Co. Inc. dba Our Pantry Plus #19	10304 West 13th Street North
Benjamin J. Schultz Jr.	T&E Oil Co. Inc. dba Our Pantry Plus #20	233 South Maize
David Bullinger	Wal-Mart Supercenter #1577	3030 North Rock Road
Christian B. Malone	FV #4005	7115 West 13th Street North
Mike Hoffman	Kwik Shop #714	4811 South Seneca
Mike Hoffman	Kwik Shop #716	2424 West 37th Street North
Mike Hoffman	Kwik Shop #722	3959 South Hydraulic
Mike Hoffman	Kwik Shop #731	710 West 29th Street North
Mike Hoffman	Kwik Shop #748	2209 East Douglas
Mike Hoffman	Kwik Shop #772	2750 South Oliver
David B. Holthe	Lyncrest 66 #26635	1250 South Rock Road
David B. Holthe	Crossroads 66 #27080	7136 West Central Avenue
David B. Holthe	Williamsburg 66 #27216	1350 North Oliver
David B. Holthe	Town West 66 #27232	4414 West Maple
David B. Holthe	Broadway 66 #27375	4821 South Broadway
David B. Holthe	North Seneca 66 #27645	515 North Seneca
David B. Holthe	Tyler 66 #27747	1254 South Tyler Road
David B. Holthe	Reflection Ridge 66 #27754	7236 West 21st Street
David B. Holthe	Expressway 66 #27904	3511 North Rock Road
David B. Holthe	Mount Vernon 66 #27981	2001 South Oliver

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Fearey moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Mayans absent)

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) Lateral 325 Four Mile Creek Sewer to serve Pine Meadow Addition - south of 13th Street North, east of Greenwich. (468-83376/743989/480677) Does not affect existing traffic. (District II) - \$142,000
- b) Northwind from the west line of Northshore Boulevard as platted in Ridge Port Addition, west to the east line of Northwind Circle; Northwind Circle from the west line of Northwind, west to and including the cul-de-sac; Hazelwood, from the north line of Northwind, north to the north line of the plat of Ridge Port Third Addition; Northshore Circle from the south line of Northwind, as platted in Ridge Port Addition, north and east to and including the cul-de-sac; Northwind Court from the south line of Northwind, south to and including the cul-de-sac; Sidewalk constructed on both sides of Northwind from the east line of Northshore Boulevard, west to the west line of Hazelwood, and on both sides of Hazelwood from the north line of Northwind, north to the north line of the plat to serve Ridge Port and Ridge Port Third Additions - north of 29th Street North, east of Ridge. (472-83772/765802 /490913) Does not affect existing traffic. (District V) - \$286,000
- c) Sheriac from Maple, north and west to the north line of Lot 20, Block C; Decker from the east line of Sheriac, east and north to the north line of Lot 23, Block D; Sheriac Circle (Lots 7 thru 20, Block C) from the westerly line of Sheriac to and including cul-de-sac; Decker Circle from the east line of Decker to and including cul-de-sac; Sidewalk on one side of Sheriac and Decker to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (472-83721/765794/490905) Does not affect existing traffic. (District V) - \$380,000
- d) 2003 sanitary sewer reconstruction Phase 5 (various locations) - north of 47th Street South, east of Meridian. (468-83617/620379/663500) Traffic to be maintained during construction using flagpersons and barricades. (Districts 1,2,3,4) - \$131,000

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- e) Water Distribution System to serve Lester Turley Addition - west of Meridian, south of 19th Street North (735135/448-89844/470-805) (District VI). – Total Estimated Cost \$5,000
- f) Water Distribution System to serve R.A Morris Tracts - north of Central, east of Hoover (735115/448-89790/470-785) (District VI). – Total Estimated Cost \$6,500
- g) (Amended) – cost of 31st Street North from Hood to Arkansas to serve Timmermeyer Gardens, E.C. & L.R. Cole's Addition to Carey Park, and Unplatted Tracts -north of 29th Street North, west of Arkansas. (District VI) – Total Estimated Cost \$572,120

Motion -- carried

Fearey moved that the preliminary estimates be approved and filed. Motion carried 6 to 0. (Mayans absent)

PETITIONS

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE HIDDEN ESTATES ADDITION – WEST OF 159TH STREET EAST, NORTH OF 39TH STREET SOUTH. (District II)

Agenda Report No. 03-0684.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer, and water service to a new residential development located west of 159th Street East, north of 39th Street South.

The Petitions total \$416,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Fearey moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-341

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89716 (west of 159th Street East, north of 39th Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

RESOLUTION NO. 03-342

Resolution of findings of advisability and Resolution authorizing improving of Lateral 337, Four Mile Creek Sewer, (west of 159th Street East, north of 39th Street South) 468-83493, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

PAVE 35TH STREET SOUTH AT GOLD – EAST OF SENECA, SOUTH OF 31ST STREET SOUTH. (District IV)

Agenda Report No. 03-0685.

On November 19, 2002, the City council approved a Petition to pave 35th Street South at Gold. Based on recent bid prices, it is doubtful that a construction contract can be awarded within the limits of the

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budget. The owners of property within the improvement district have submitted a new Petition with an increased budget.

The project will improve paved access to South High School.

The original Petition totaled \$15,000. The new Petition totals \$30,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --
-- carried

Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-343

A Resolution amending Resolution No. 02-503 pertaining to improving the south half of 35th Street South from the east line of Gold Street North to the west line of Gold Street South (east of Seneca, south of 31st Street South) 472-83661 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

MEDIANS ON WESTGATE AT THE INTERSECTION WITH WESTGATE COURT AND ON YOSEMITE AT THE INTERSECTION WITH YOSEMITE COURT – SOUTH OF PAWNEE, WEST OF MAIZE ROAD. (District IV)

Agenda Report No. 03-0686.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will improve traffic flow within Southern Ridge Addition, a new residential development located south of Pawnee, west of Maize Road.

The Petition totals \$6,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-344

Resolution of findings of advisability and Resolution authorizing improving medians to be located on Westgate at the intersection of Westgate and Westgate Ct., and on Yosemite at the intersection of Yosemite and Yosemite Ct., (south of Pawnee, west of Maize Road) 472-83775, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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STORM WATER DRAIN TO SERVE TYLER'S LANDING ADDITION – SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (District V)

Agenda Report No. 03-0687.

On January 7, 2003, the City Council approved a storm water drain to serve Tyler's Landing Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a residential development located south of 37th Street North, east of Tyler.

The original Petition totaled \$447,000. The new Petition totals \$467,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --
-- carried

Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-345

A Resolution amending Resolution No. 03-023 pertaining to the construction of Storm Water Drain No. 198 (south of 37th Street North, east of Tyler) 468-83579, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

SANITARY SEWER MAIN TO SERVE AN AREA BETWEEN MAIZE ROAD AND TYLER, SOUTH OF 37TH STREET NORTH. (District V)

Agenda Report No. 03-0688.

A Petition has been submitted to include Maize School property in a sanitary sewer main improvement district. The signature on the Petition represents 100% of the improvement district.

The area being served is a new middle school campus located between Maize Road and Tyler, south of 37th Street North.

The Petition totals \$111,763. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-346

Resolution of findings of advisability and Resolution authorizing construction of Main 6, Part C, Northwest Interceptor Sewer (between Maize Road and Tyler, south of 37th Street North) 468-83663, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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(Item No. 15f)

STREET LIGHTING ALONG WATERFRONT PARKWAY FROM 13TH TO WEBB. (District II)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 03-0689.

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide street lighting within The Waterfront Addition, a retail/office development located north of 13th, east of Webb.

The Petition totals \$125,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Steve Lackey

Director of Public works, responding to a question, said the developer is responsible for underground and fixture maintenance. If the developer goes out of business, the responsibility is assigned to the benefit district.

Motion --
-- carried

Schlapp moved that the Petition and Contract be approved, and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-347

Resolution of findings of advisability and Resolution authorizing improving a street lighting system in Waterfront Parkway from the north line of 13th Street to the east line of Webb Road (north of 13th Street, east of Webb) 472-83808, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. , Schlapp moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Employees' Retirement Police & Fire Board, March 26, 2003

Wichita Employees, Retirement Police & Fire Board, April 3, 2003

Board of Electrical Appeals, April 8, 2003

Wichita Employees' Retirement Police & Fire Board, April 16, 2003

Wichita Employees Retirement Board, April 23, 2003

Board of Code Standards And Appeals, May 5, 2003

Housing Advisory Board, May 20, 2003

Wichita Public Library, May 20, 2003

Motion -- carried

Fearey moved that the Minutes be received and filed. ;Motion carried 6 to 0. (Mayans absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses considered.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED – MAY, 2003:

Name of Claimant	Amount
Bland, Denise M.	\$164.77

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Cabrea, Alejandra	\$200.00**
Duling Construction	\$1,506.27
Edwards, John & Immogene	\$1,200.00**
Fritze, Lise	\$ 75.00
Henrichsen, Carlea	\$ 306.32
Koop, John D.	\$ 367.00
McNeil, Jay	\$ 642.22
Oswalt, Bill	\$ 30.83
Van Gieson, Darren	\$ 250.00**

** Settled for lesser amount than claimed.

Motion -- carried Fearey moved that the Report be received and filed. Motion carried 6 to 0. (Mayans absent)

INDOCHINESE CDBG – WICHITA INDOCHINESE CENTER.

Agenda Report No. 03-0690.

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004 program year. Included in the 2003/2004 CDBG allocations were funds for a summer youth employment program. Summer youth employment services were procured through a competitive Request for Proposal.

The contract with the Wichita Indochinese Center provides funds to pay salaries for 80 youth and costs of the ten non-profit agencies participating in the summer youth employment program. The contract term is twelve months beginning July 1, 2003 and ending June 30, 2004.

The contract amount is \$150,000 and is funded in the approved 2003/2004 CDBG budget.

A contract has been negotiated with the Wichita Indochinese Center and signed by the authorized representative. The Law Department has reviewed and approved the contract as to form.

Motion -- Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Mayans absent)

KS FOODBANK KANSAS FOODBANK WAREHOUSE, INC. – AMENDMENT.

Agenda Report No. 03-0691.

On July 1, 2002 the City Council approved the contract to provide CDBG funding in the amount of \$250,000 to assist Kansas Foodbank Warehouse in construction of the new warehouse.

The CDBG contract expires June 30, 2003. The Kansas Foodbank Warehouse, Inc. requests to extend the existing contract to June 30, 2004. Demolition and construction was delayed for the following reasons: the purchase of the remaining properties required to accommodate the new Foodbank Warehouse was completed in January of 2003; until May 6th the Help Center for Laid Off Workers was housed in a building that has since been demolished.

A shortfall in private funds to start construction on the warehouse has also delayed the project. However, fund raising is on going for the \$3.5 million project, which has received \$2,163,525 in pledges, and of those pledges \$1,068,758 has been received. The Kansas Foodbank is also seeking a \$1 million grant from the Mabee Foundation and another \$1 million grant from the Kresge Foundation.

The CDBG funded activities for demolition, clearance and moving utilities started May 6, 2003. Currently, the buildings have been demolished and site grading has been completed. A delay in receiving the manhole covers has slowed the completion of moving the utilities. It is estimated that the site preparation will be completed in July.

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It is estimated that the approximate balance of \$50,000 of CDBG funds will be obligated in January of 2004 to assist in funding the construction of the parking lot and sidewalk, which will be completed after the construction of the warehouse .

There is no change in the amount of approved CDBG funding for this project. The Kansas Foodbank has obligated approximately \$200,000 of the \$250,000 CDBG budget.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

UTILITIES

RELOCATION OF UTILITIES ALONG 13TH STREET NORTH, EAST OF WEBB ROAD. (District II)

Agenda Report No. 03-0697.

On June 17, 2003, the City Council approved a Petition to improve paving and water service to a new office/retail development in the Waterfront Addition, located north of 13th, east of Webb. Utilities will need to be relocated as a part of this project.

Estimated costs to relocate Westar lines are \$105,900.00.

Funds are available in the project to provide for utility relocation costs. The funding source is special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

LEGAL RESEARCH

LEGAL RESEARCH DATA SERVICE.

Agenda Report No. 03-0693.

In 2001, the Law Department migrated from the West CD research system to flat-rate online Westlaw research packages, to resolve logistical problems with adjusting for the growing number of CDs, and to obtain more up to date information. Early this year, the Department contacted a Westlaw representative to explore potential changes to keep the research access within budget, but learned that Westlaw was proposing a 20% price increase, without alternatives. This proposal could not be accommodated within the Department's available budget, so the Law Department researched alternative systems of other vendors, to locate a package of comparable functionality in a workable cost range.

The existing Westlaw contracts expire this month. The Lexis/Nexis access should go into effect July 7, 2003, so that there is no gap in coverage. The negotiated rate is several thousand dollars a year less than current Westlaw costs, and avoids the problem of the 20% increase. Lexis/Nexis has agreed to lock this rate in for 2004 as well as the remainder of the current year, so the cost will be below the amount that was budgeted for access in 2004 also.

Funds for online research access are budgeted in the Law Department Budget. At the end of the subscription period, the Law Department will attempt to renegotiate rates and coverage within the then-available budget.

The online arrangements will provide current information on legal developments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

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PLUMBING REP.

PLUMBING REPAIR SERVICE – SELECTION OF VENDOR.

Agenda Report No. 03-0694.

Various City departments require residential and commercial plumbing repair services. To obtain the most qualified plumbing repair service at a cost that would be most beneficial to the City, a Request for Proposal was sent to twenty-eight (28) vendors and six (6) responded.

A selection committee represented by Purchasing, Public Works, and the Wichita Housing Authority reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, references, and costs. Based on this criteria, Cummings & Fitzsimmons Mechanical Contractors Inc was selected for the residential plumbing repair and The Waldinger Corporation for the commercial plumbing repair services.

The contract will not obligate the City to any specific purchases or volume of purchases on plumbing repair services; it only provides the departments the ability to obtain plumbing repair services from the most qualified, cost-effective vendor.

The contracts will be for one year with an annual renewal options for an additional two years.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

KDHE

KDHE – RESTAURANT INSPECTIONS.

Agenda Report No. 03-0695.

The Department of Environmental Health has provided inspections of food service establishments in Sedgwick County under contract to KDHE for over twenty years. Local staff enforce state regulations in restaurants, schools, drinking establishments, and other businesses where food is served for immediate consumption. KDHE returns eighty percent of license and application fees generated in Sedgwick County to the City.

The contract eliminates duplication of services by state and local government, provides a local point of contact for operators and the public, and contributes significant funding for food protection efforts. KDHE provides training of local inspectors, and conducts any necessary administrative enforcement actions (fines, suspensions, etc.)

The contract for inspections generated approximately \$ 250,000 in revenue for the City in calendar year 2002. License fee increases currently proposed by KDHE will, if adopted, increase City revenue by approximately \$ 127,000. This additional revenue will allow additional food inspectors, and eliminate the need for local General Fund support of restaurant inspections by 2005. (Grocery store and food processor inspections are funded through the sale of local permits.)

Motion --
-- carried

Fearey moved that the Contract approval be confirmed and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

FALCON FALLS

FALCON FALLS ADDITION – SOUTH OF 53RD STREET NORTH, WEST OF HILLSIDE - SUPPLEMENTAL. (District i)

Agenda Report No. 03-0696.

The City Council approved the project on January 7, 2003. On February 11, 2003, the City approved an Agreement with Poe & Associates of Kansas, Inc. to design the improvements. The Design Agreement with Poe requires Poe to provide construction engineering services if requested by the City.

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The proposed Supplemental Agreement between the City and Poe provides for construction engineering and staking for the improvements in Falcon Falls Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$85,100 and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

REED'S COVE

REED'S COVE AND REED COMMERCIAL ADDITIONS – SOUTH OF 21ST, EAST OF 127TH STREET EAST - Supplemental. (District II)

Agenda Report No. 03-0705.

The City Council approved the project on May 6, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Reed's Cove Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$113,280, and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

HAWTHORNE

HAWTHORNE ADDITION – NORTH OF 21ST, EAST OF 127TH STREET EAST – SUPPLEMENTAL. (District I)

Agenda Report No. 03-0699.

The City Council approved the project on October 22, 2002. On January 7, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Hawthorne Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$25,900 and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

NEWMAN ROAD

PERIMETER ROAD ALONG THE NORTH BOUNDARY OF NEWMAN UNIVERSITY FROM 350 FEET WEST OF SHERIDAN TO K-42 HIGHWAY. (District IV)

Agenda Report No. 03-0700.

Newman University officials have developed a Campus Master Plan that provides for McCormick to be vacated from K-42 Highway to Sheridan. It would be replaced by a perimeter road that would extend along the north campus boundary and connect McCormick on the west to K-42 Highway on the east. The vacated McCormick area would be developed as a landscaped pedestrian mall to connect the north and south campus area. The proposal was presented to the City Council on April 1, 2003. Newman

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University offered to fund the design cost. The City Council approved the design project with the understanding that construction estimates would be refined and programmed into the 2004-2013 Capital Improvement Program.

An agreement with Newman University has been developed which establishes a framework for the project design.

The estimated design cost is \$50,000. The funding source is contributions from Newman University.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

NBRHD CITY HALL

ARCHITECTURAL SERVICES FOR NEIGHBORHOOD CITY HALL - SUPPLEMENTAL (District II)

Agenda Report No. 03-0701.

On October 22, 2002, the City Council authorized a contract with Schaefer Johnson Cox & Frey Associates, PA (SJCF) to develop a schematic design and cost estimate for converting a portion of the former Magdalen School building at 6355 Willowbrook into a Neighbor Hood City Hall. SJCF was selected for this project following a Request for Proposals from interested firms. The total amount of that contract was \$4,500. On March 25, 2003, the City Council authorized design services, bids for construction and bonding resolution for the completion of this Neighborhood City Hall project.

A Supplemental Agreement for Professional Services has been prepared that expands the SJCF contract to include finalizing the design, preparation of Construction Documents, and providing services during the bidding and construction phases of the work.

The total fee for SJCF to provide these additional services is \$35,000, less a credit of \$2,250 from the original contract, leaving a total net increase for Professional Services of \$32,750. Payment would be from CIP funds allocated to this project.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

CLEAR CREEK

CLEAR CREEK ADDITION – WEST OF 143RD STREET EAST, SOUTH OF KELLOGG (District II)

Agenda Report No. 03-0702.

The City Council approved the project on May 6, 2003.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Clear Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$98,220, and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

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25TH NORTH

25TH STREET NORTH FROM I-235 TO WEST STREET – SUPPLEMENTAL. (District V)

Agenda Report No. 03-0703.

On March 30, 1999, the City entered into an Agreement with Parsons Brinckerhoff Quade & Douglas, Inc. (PBQD) for designing improvements to 25th Street North from I-235 to West Street. The fee was \$357,000. On February 6, 2001, the City Council approved Supplemental Agreement No. 1 for additional design work to the interchange conceptual. The fee was \$18,000.

The proposed Supplemental Agreement between the City and PBQD provides for additional bridge design required by the preferred alternated selected by the City. It also provides an I-235/ 25th Interchange Development and Operational Analysis required by the Kansas Department of Transportation (KDOT) and 25th and West Street Operational and Drainage Analysis.

Payment to PBQD for the Supplemental Agreement will increase the total contract by \$18,500 from \$375,000 to \$393,500. The proposed fee represents 2.8% of the estimated construction cost. The funding source is General Obligation Bonds.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

WOODLAND LAKES

WOODLAND LAKES ESTATES THIRD ADDITION – SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0704.

The City Council approved the project on May 6, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Woodland Lakes Estates 3rd Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$127,980, and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

REED'S COVE

REED'S COVE ADDITION – SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0698.

The City Council approved the project on January 7, 2003. On January 14, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Reed's Cove & Reed Commercial Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$24,100 and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

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THUNDERBIRD

THUNDERBIRD OFFICE PARK – SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 03-0706.

The City Council approved the project on April 1, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Thunderbird Office Park. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$17,800, and will be paid by special assessments.

Motion --
-- carried

Fearey moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

DOUGLAS IMPR.

DOUGLAS IMPROVEMENT – SENECA TO MCLEAN. (District IV)

Agenda Report No. 03-0705.

On November 19, 2002, the City Council approved a construction contract to improve Douglas, between Seneca and McLean Boulevard. A part of the work is the installation of a crushed/rock subgrade which will support the new asphalt pavement, concrete curb, and concrete gutter. It has been determined that additional crushed rock is needed. The project also includes the construction of large concrete plant containers. It is purposed that a brick form liner with stained concrete be used to improve the appearance of the planter walls.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$43,352. The funding source is General Obligation Bonds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Fearey moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

HYDRAULIC IMPR.

HYDRAULIC IMPROVEMENT – 57TH STREET SOUTH TO MACARTHUR. (District III)

Agenda Report No. 03-0706.

On March 5, 2002, the City Council approved a project to improve Hydraulic between 57th Street South and MacArthur. A part of the work is the construction of an anchored retaining wall. Unforeseen shale was encountered during the installation of sheeting, which requires removal of the shale layer and backfilling with sand. A drain tile around the peninsula behind the sheeting is needed to reduce water pressure.

A Change Order has been prepared for the additional work. Funding is available within the Hydraulic paving project budget.

The total cost of the additional work is \$22,976. The funding source is General Obligation Bonds.

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The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Fearey moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

ROCK ROAD IMPR. ROCK ROAD IMPROVEMENT – 32ND STREET NORTH TO K-96 FREEWAY. (District II)

Agenda Report No. 03-0707.

On July 16, 2002, the City Council approved a construction contract to improve Rock Road from 32nd Street North to K-96 Freeway. During the construction project, a number of items have developed that should be addressed as a Change Order:

Construct an additional drainage inlet at the southeast corner of the K-96 ramp at Rock Road to eliminate standing water. Install an area drainage inlet on the west side of Rock, at the K-96 westbound on-ramp to eliminate standing water at the edge of the pavement. Install perforated drains to remove water that will pool in aggregate sub-grade at four locations. \$19,545

Relocate pedestrian signal pole at southeast corner of K-96 and Rock. Relocate traffic signal box to fit in the Rock Road median north of K-96. Relocate traffic signal loop in the left turn lane of Rock, north of K-96. Replace traffic sign at K-96 eastbound off-ramp. \$14,720

Build modular block retaining wall at the northeast corner of 32nd and Rock so that sidewalk can be built at proper grade and existing landscaping can be saved. Reconstruct existing sidewalk and parking grades along the east side of Rock to meet Americans with Disabilities Act requirements. \$33,169

Install additional valley gutter at the 32nd Street intersection on the west side of Rock. Install grid fabric on pavement to reduce future cracking. Build wider drive entrances to accommodate adjacent parking lots. Replace asphalt base under brick crosswalks at K-96 and Rock. \$18,478

Plant trees and sod in Rock Road median with irrigation system. \$15,552

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$101,464. The project is funded by a combination of City funds and Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Fearey moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

SOUTHEAST WTR SOUTHEAST WATER TRANSMISSION LINE – ALONG SOUTHEAST BOULEVARD, NORTH OF PAWNEE. (District III)

Agenda Report No. 03-0708.

On September 17, 2002, the City Council approved a \$2,339,603 construction contract to extend a water transmission line along Southeast Boulevard to provide water to the City of Derby. Conflicts with existing utilities at three locations necessitated changes to the water line alignment. In addition, an existing sanitary sewer and storm sewer were also relocated.

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A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$54,818. The funding source is the Water Utility.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Fearey moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

REECE FARMS

STREET PAVING IN REECE FARMS ADDITION – SOUTH OF MAPLE, WEST OF 151ST STREET WEST. (District V)

Agenda Report No. 03-0709.

On May 7, 2002, the City Council approved a construction contract to pave streets in Reece Farms Addition, a new residential development located south of Maple, west of 151st Street West. A part of the work is the installation of a storm sewer system. The developer of Reece Farms Addition has requested that the storm sewer be extended to drain an additional area on the south side of the development.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$24,082. The funding source is special assessments.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Fearey moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

MEDIA EXPENSE

MEDIA EXPENSE FOR MARKETING PROGRAM.

Agenda Report No. 03-0710.

In August, 2001, the City Council approved funding for the initial anti-littering and nuisance abatement campaign, and subsequently affirmed the program for 2002, utilizing the Greteman Group (selected based on a RFP process). Continuation of the campaign was also included in the current 2003-2004 Adopted Budget. Anticipating continued support in this fiscal year, the Marketing Director proceeded with the next phase when timing was crucial due to Spring season, the scheduled River Clean-up campaign as well as efforts to target the River Festival and the public education on the removal of abandoned vehicles program.

The agency (Greteman Group) proceeded with a media purchase to timely support these efforts. After reviewing the contract that was intended to cover multiple years, it was discovered that it did not have the 2003 allocation established in the contract without Council approval. On June 3, 2003, the City Council took action to discontinue this public information and marketing campaign.

Even though the funding was included in the 2003-2004 budget and timing for implementation was considered critical earlier in the year, the City's staff and the agency (Greteman Group) erred in moving forward with news media advertising contract purchases without first securing prior approval of the City Council to extend the contract. Part of the media buys (\$6,310) supported the promotional efforts for clean-up of the Arkansas River. An additional \$10,020 was spent for the Don't Trash Wichita campaign, including the abandoned and junk vehicle program. The Greteman Group has waived its in-house fees (\$3,420), but is seeking payment for its out-of-pocket expenses that contracted the media

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advertising expense to local electronic and print media outlets. This expense amounts to approximately \$16,330.

The City Council has taken action to reduce costs to address the budgetary shortfall. In response to the need for cost reductions, the marketing budget for 2003 will be reduced by this amount resulting in the directed savings in the budget, as acted upon by the Council. The marketing staff will assume responsibilities for marketing and promotional efforts in-house that were originally planned as contractual services.

The funding is available in the 2003 Marketing Budget to cover this cost. Reductions in other aspects of the City's community marketing efforts will be made as an offset to this one-time expenditure.

Motion --
-- carried

Fearey moved that payment of media buys to the local media for the advertising already placed to close-out the program be authorized. Motion carried 6 to 0. (Mayans absent)

HOMELESS GRANT GRANT APPLICATION – HOMELESS ASSISTANCE.

Agenda Report No. 03-0711.

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the 2003 Continuum of Care Homeless Assistance Program. This NOFA make funds available for the Supportive Housing Program which includes transitional housing, supportive services and Safe Havens; Shelter Plus Care; and the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

The Community Council on Homeless Advocacy (CCHA) has been working with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area.

The Housing Services Department has prepared an application for a one-year renewal of the Shelter Plus Care (S+C) program. This program is designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities, (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or AIDS or related diseases) and their families who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. The program allows for a variety of housing choices, and a range of supportive services funded by other sources, in response to the needs of the hard-to-reach homeless population with disabilities.

Shelter Plus Care funding must be matched by an equal amount of supportive services, which can be provided directly by the housing authority or by other service providers.

The United Way has been working with the CCHA in the implementation of the community process to prioritize the projects, which will be included in the application. A committee of community volunteers has met quarterly for the past year, and on May 30 ranked six proposals to be included in this year's application. The application will be submitted to HUD by the United Way of the Plains on behalf of the sponsoring agencies. If HUD approves funding for any of the projects, the grant agreements will be between the sponsoring agency and HUD. With the exception of the Shelter Plus Care application, which is sponsored by the Housing Services Department, the City of Wichita will have no fiscal or other responsibility for project implementation or oversight.

The Wichita community application will include the following three (3) projects:

Project Name	Amount	Agency
Permanent Supportive Housing (new)	\$802,971	Inter-Faith Ministries
Safe Haven (renewal)	\$1,175,445	Salvation Army
Shelter Plus Care (renewal)	\$626,568	Housing Services
Department		

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Inter-Faith Ministries proposes to acquire and rehabilitate a total of 24 units: an 8-unit apartment complex, two 4-unit complexes and four duplex units all within a one-city block area. Of these units, 16 will be designated for homeless persons with disabilities -- 12 units for persons with substance abuse disabilities and 4 units for persons with chronic mental disabilities. (Six of the 16 will be devoted to persons with disabilities who are chronically homeless). Two units will be physically accessible. The remaining 8-units will be market rate units.

The 10 suite (24 bed) Salvation Army Transitional Housing complex provides a facility-based apartment setting for participants of the program. Apartments can be configured into one, two, or three bedroom units depending upon family composition and the participants' needs. The furnished apartments consist of a living room, bathroom, bedroom(s), and storage area. Common areas include a kitchen, dining, laundry, and telephone room. Two of the 10 suites are fully handicapped accessible and are in compliance with ADA regulations. Participants may remain in the program for up to two years. They reside at The Salvation Army Koch Center from three to six months (Phase I of the program) in order to comprehensively address their presenting problems and begin stabilizing their family unit. At the end of the three to six month time period, participants move into the community (Phase II of the program) but are eligible to continue to receive supportive program services for an additional eighteen to twenty-one months.

The City of Wichita Housing Authority is applying for a one-year renewal grant for 102 housing vouchers under the Shelter Plus Care program. In 2002, the Authority received a renewal for 102 Shelter Plus Care vouchers. These current vouchers will expire in May 2004. The renewal will provide vouchers for 2004-2005. There is a supportive services component with the Shelter Plus Care program. The supportive services will be provided through COMCARE's Homeless Programs, Positive Directions, Inc., and Miracles, Inc. The services committed by these agencies will provide the required match for the Shelter Plus Care grant.

The Department of Housing and Urban Development has announced a preliminary "pro-rata" need for the City of Wichita and Sedgwick County of \$1,011,822. In addition, the new permanent housing project proposed by Inter-Faith may qualify for \$750,000 bonus over and above the pro-rata amount. Funding for the Shelter plus Care project will come from an allocation approved separately by Congress for the program and will not affect the amount available for the other proposals since these funds are awarded non-competitively.

All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application obligates no funding from the City of Wichita.

Motion -- Fearey moved submission of Shelter Plus Care Grant application and receipt of funds be approved; the Mayor be authorized to sign the necessary documents; and submission of Continuum of Care Application be approved. Motion carried 6 to 0. (Mayans absent)

-- carried

CENTRAL AVENUE **CENTRAL AVENUE IMPROVEMENTS – OLIVER TO WOODLAWN.** (Districts I and II)

Agenda Report No. 03-0712.

The 2003 Capital Improvement Program includes funding to design arterial street projects. The Staff Screening and Selection Committee has selected design engineers for each project.

An agreement has been prepared with MKEC Engineering Consultants for the design of the Central Avenue Improvement, between Oliver and Woodlawn. The fees total \$113,500.

The paving design project budget is \$135,000. The funding source is General Obligation Bonds.

Motion -- Fearey moved that the design project and Contracts be approved; the necessary signatures be authorized' and the Ordinance be placed on first reading. Motion carried 6 to 0. (Mayans absent)

-- carried

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ORDINANCE

An ordinance declaring Central Avenue, from Oliver to Woodlawn (472-83754) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CLAIM PAYMENT

PAYMENT OF CLAIM.

Agenda Report No. 03-0713.

The Central Ticket Agency had been the exclusive outside ticket vendor for shows at Century II since the facility opened in 1969. Recently, Central Ticket Agency closed operation shortly following a concert held during the River Festival in May, owing the show's promoter, Harris Media, Inc. and the concert's main act \$18,255.77.

Lessees who used Century II were required to designate the Central Ticket Agency to sell tickets relating to the use of the facility if the promoter chose not to sell its own tickets. Since the City receives a portion of the ticket revenue receipts, it could be deemed as being in a partnership or joint venture with Central Ticket Agency and liable for its debts to parties who contract to use Century II. Additionally, the failure of a ticket agency working out of a City facility jeopardizes booking of future shows into the facility. The City has already paid \$10,000 to cover a portion of the promoter's share of the ticket sale. Payment of the balance due to Harris Media, Inc. in exchange for an assignment of its contract claim against Central Ticket Agency will reduce the likelihood of the City being a defendant in litigation and assure future acts.

Funds will be used from existing budget allocated to Century II operations.

Upon payment to Harris Media, Inc., the City will take an assignment of claim from Harris Media, Inc. to pursue payment from Central Ticket Agency.

Motion --
-- carried

Fearey moved that payment from the Century II operational budget be authorized. Motion carried 6 to 0. (Mayans absent)

JUDGMENT PMT

PAYMENT OF JUDGMENT – TAYLOR VS. CITY. (District I)

Agenda Report No. 03-0714.

In August 2002, the City was sued for damages arising out of an accident in which an 11 year old was injured when she stepped on a water meter lid that gave way. The accident occurred in the 1700 block of Ellis Street in June 2001. After a trial in Sedgwick County District Court the judge entered judgment against the City on the jury's verdict in the amount of \$3,273.72.

It is unlikely that an appeal by the City of the trial court's rulings would result in a new trial and a subsequent verdict less than \$3,273.72. Consequently, the appropriate course of action is to pay the judgment. Interest accrues on the judgment after April 29, 2003.

The cost of this judgment is to be paid by the Water and Sewer Utility.

Motion --
-- carried

Fearey moved that payment to the plaintiffs in the amount of \$3,273.72, together with any accrued interest be authorized. Motion carried 6 to 0. (Mayans absent)

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COURT OF APPEALS COURT OF APPEALS CASE – MOTOR VEHICLE TAXES.

Agenda Report No. 03-0715.

This appeal is the last remaining piece of a dispute largely settled between the City and Sedgwick County in 2002. As part of the settlement agreement, the parties had agreed to submit their disagreement concerning the proper formula for tax distribution to the courts, for determination in a declaratory judgment action. On cross-motions for summary judgment, the district court ruled in favor of the County position, and this appeal was docketed in May 2003. Pursuant to further discussions with the County, representatives of the City agreed to dismiss the appeal upon satisfaction of certain conditions by the County.

In light of the agreement reached with the County, it would be appropriate to file a voluntary dismissal, prior to incurring costs of briefing in the case. The current deadline for submission of the City's brief (if not extended) is July 2, 2003.

Staff of the Finance Department have determined that the conditions to be satisfied by the County have been performed. The disposition agreed to will result in no change from the County's existing system of distributing motor vehicle taxes.

With dismissal of the appeal, the district court judgment will become final, and will be binding upon the City.

Motion --
-- carried

Fearey moved that preparation and filing for voluntary dismissal of the appeal in Case No. 03-90685-A be authorized. Motion carried 6 to 0. (Mayans absent)

IRB - CASTLE INN

INDUSTRIAL REVENUE BOND PURCHASE OPTION – THE CASTLE INN RIVERSIDE, L.L.C. (District VI)

Agenda Report No. 03-0716.

On May 2, 1995, the Wichita City Council approved the issuance of \$1,200,000 in Industrial Revenue Bonds, Series I A&B, 1995. Bond proceeds were used to refinance the acquisition of the property located at 1155 N. River Boulevard (Campbell Castle), and to pay the costs of restoration and renovation of the building for use as a bed and breakfast inn. The Bonds are secured, in part, by a pledge of the financed property and revenues collected under the Lease Agreement with The Castle Inn Riverside, L.L.C. ("Tenant").

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement, the Tenant has the option, if it is not in default under the Lease, and if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1000. The City has received notice from the Tenant of a request to call outstanding bonds and of the company's intention to exercise its purchase option on or after August 1, 2003, contingent upon the Tenant's success in securing adequate bank financing.

Under the terms of the Indenture, the Bonds, when subject to redemption, may be called at the option of the City. Under the terms of the Lease Agreement, the City is to convey the real and personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the costs of redemption of all outstanding bonds.

The Lease Agreement contemplated that the project would be exempted from real property taxes, and that the Tenant would pay \$3,400 each year in lieu of the annual taxes the property had produced in the years prior to the bond issuance. Due to a series of problems with increased construction costs and the tax abatement application, the Tenant has not made the annual payments in lieu, but has paid or will pay actual taxes on the property exceeding the aggregate payment in lieu called for by the Lease Agreement for the period from 1996 to 2003. In addition, eligibility for abatement will be lost for the period from

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the redemption of the Bonds to December 31, 2006, with the result that the property will be 100% taxable, with no abatement for the last two years of the normal IRB abatement period. In light of the tax payments made and to be made by the Tenant, and the early termination of the abatement period, the Tenant has requested an acknowledgement by the City that the payments in lieu contemplated by the Lease Agreement will not be required. Prior to closing on the purchase option, the Tenant will pay all taxes, all administrative service fees owing to the City, and all costs of the Bond redemption.

The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption. Delivery of the deed will be subject to payment by the Tenant of all such sums, delinquent taxes and administrative service fees. The requested waiver of payments in lieu of tax is appropriate, given that actual taxes paid and to be paid by the Tenant exceed the amounts originally contemplated to be paid in lieu of taxes.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all conditions have been met. The City's Bond Counsel has advised that the call for redemption is permitted under the terms of the Indenture. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Bill of Sale, Special Warranty Deed and Termination and Release of Lease Agreement, and the delivery of such documents by the Trustee to the Tenant following satisfaction of applicable conditions.

Motion --
-- carried

Fearey moved that the bond call and necessary signatures be authorized, the waiver of payments in lieu of taxes be approved, and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-348

A Resolution of the City of Wichita, Kansas, approving the sale of a certain project financed with the proceeds of Revenue Bonds of the City; approving the call and early redemption of said Revenue Bonds; authorizing the execution and delivery of (1) a special warranty deed, (2) a bill of sale, (3) a termination and release of lease, and (4) a satisfaction, discharge and release of indenture, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

PROPERTY ACQ

PROPERTY ACQUISITION BY EMINENT DOMAIN – 9018 EAST KELLOGG. (District II)

Agenda Report No. 03-0717.

The total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition in December 2001. There are twenty-three properties that must be acquired in totality. Twenty-one have been acquired. The two remaining are the store formerly occupied by K-Mart at 8600 East Kellogg and the property located at 9018 East Kellogg, currently leased to Michaels.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owners. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. The former K-Mart property was appraised at \$2,400,000. The owners have requested an amount in excess of \$8,000,000. Michaels was appraised at \$1,500,000 and the owners have requested \$3,500,000. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion --
-- carried

Fearey moved that the acquisition by eminent domain be approved, the Ordinance be placed on first reading; the Resolution be adopted; and filing directed of appropriate proceedings in the District Court. Motion carried 6 to 0. (Mayans absent)

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RESOLUTION NO. 03-349

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned improvement East Kellogg Avenue (US-54), presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 17, 2003)

a) Wichita Public Building Commission Revenue Refunding Bonds – State Office Building Project.

ORDINANCE NO.745

An Ordinance of the City of Wichita, Kansas, authorizing the optional Redemption of the Wichita Public Building Commission, Series H, 1993 (State Office Building Project) Bonds; authorizing the execution and delivery of a supplemental City-County Lease Agreement and Tax Compliance Agreement in connection with the issuance by the Wichita Public Building Commission of its Revenue Refunding Bonds, Series N, 2003, (State Office Building Project), read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

b) Establishing fees for subdivision applications and proceedings.

ORDINANCE NO. 747

An Ordinance Amending Section 2.26.030 Of The Code Of The City Of Wichita, Kansas, Pertaining To Fees For Subdivision Applications And Proceedings And Repealing the Original Of Said Section, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

c) Emergency Medical Services Memorandum of Understanding.

ORDINANCE NO. 748

An Ordinance amending Section 3.80.147 of the Code of the City of Wichita, Kansas, pertaining to extending, for a time certain, various regulatory exemptions relating to ambulance service within the City of Wichita, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

d) 2003 bridges and waterline replacement. (Districts I, III, and VI)

ORDINANCE NO. 749

An Ordinance declaring the Lincoln Street Bridge at the Arkansas river (472-83747) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated

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costs thereof, and the manner of payment of same, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

e) ZON 2002-02 – west side of 127th Street East, north of 21st Street North. (District II)

ORDINANCE NO. 750

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (ZON 2002-02)

f) ZON 2002-33 – north of Central, east side of Webb Road. (District II)

ORDINANCE NO. 751

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (ZON 2002-33)

g) A03-14 – southwest corner of 13th Street North and 135th Street West. (District V)

ORDINANCE NO. 752

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. A03-14

PLANNING AGENDA

Dale Miller

Director of Planning stated that the Planning Agenda could be considered as consensus unless the Council desired to withhold other Items.

Motion --
-- carried

Fearey moved that the Planning Agenda, except Item 32, be approved as consensus Items. Motion carried 6 to 0. (Mayans absent)

(Item No. 32)
CON2003-00015

CON2003-00015 – CONDITIONAL USE FOR WRECKING/SALVAGE YARD, ON PROPERTY ZONED GENERAL INDUSTRIAL – NORTH OF 21ST STREET NORTH, EAST OF BROADWAY – 700 EAST 21ST STREET NORTH. (District VI)

Agenda Report No. 03-0718.

MAPC Recommendation: Approve the entire property subject to platting within one year and subject to conditions recommended by staff, except that a screening fence not be required on a portion of the east side. (12-0)

DAB Recommendation: Approve an expanded portion of the property subject to platting within one year and subject to conditions recommended by staff, except that a screening fence be required only on the south and west sides. (7-4)

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Staff Recommendation: Approve a portion of the property subject to platting within one year and subject to conditions.

The applicant is requesting a Conditional Use amendment to permit the expansion of an existing wrecking/salvage yard permitted by CU-431, which was approved by the MAPC on May 15, 1997, for a 1.7 acre unplatted tract located north of 21st Street North and east of Broadway at 700 E. 21st St. N. The applicant is requesting to expand the existing wrecking/salvage yard to the extent that the area approved for the wrecking/salvage yard would increase from 1.7 acres to 45.43 acres. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The surrounding area is characterized by heavy industry, with many resource-based industrial uses in the immediate vicinity. All of the properties surrounding the subject property are zoned "GI" General Industrial. Major uses in the vicinity of the subject property include: petroleum storage and refining and wrecking/salvage to the east; grain storage and wrecking/salvage to the north; meat product processing to the west; and wrecking/salvage to the south. The other existing wrecking/salvage operations in the vicinity pre-date the Conditional Use requirement for wrecking/salvage and are non-conforming uses.

The existing wrecking/salvage yard on the subject property has expanded in violation of the zoning regulations. The existing wrecking/salvage yard presently occupies approximately 10 acres of the subject property rather than the 1.7 acres permitted by CU-431, thus necessitating the application for the Conditional Use amendment. The applicant's site plan shows the current extent of the wrecking/salvage yard, which is located south of the southern-most "Phase Line." The site plan shows that the applicant proposes three additional expansion phases, for a total wrecking/salvage operation of 45.43 acres.

The applicant submitted a letter dated May 12, 2003, in which the applicant enumerates the proposed conditions under which the wrecking/salvage yard would operate. For the most part, planning staff finds the proposed conditions acceptable and is recommending only minor wording changes to the conditions so that the wording of the conditions is consistent with other recently approved wrecking/salvage yards. However, planning staff does not support three aspects of the applicant's proposal.

First, the number and scale of less-desirable, resource-based industrial uses in the vicinity already presents significant obstacles to the development or redevelopment property in the area. Planning staff is concerned that if the entire subject property were to become a wrecking/salvage yard, the character of the area would further lean toward exclusive use for wrecking/salvage, which would even further hinder the development or redevelopment of adjacent properties with more desirable, employment based industrial uses. Wrecking/salvage uses are generally considered an under utilization land because the property does not contain any building improvements or generate significant employment numbers to further the development and quality of life in the community. Also, such uses tend to cause environmental problems in an area where environmental problems already exist and a major environmental clean-up effort is under way. Therefore, planning staff recommends that the Conditional Use amendment permit expansion of the wrecking/salvage yard only to the area currently used and approximately the eastern one-third of the applicant's proposed first phase.

The second aspect of the applicant's proposal not supported by planning staff is the applicant's proposal to provide a screening fence only along the south end of the wrecking/salvage yard. Section III-D.6.e.(3) of the Unified Zoning Code (UZC) requires that a wrecking/salvage yard be entirely enclosed by an eight-foot high solid screening fence, even when adjacent to non-residential uses. The nature of a wrecking/salvage operation is such that it can have a significant negative impacts on even commercial/industrial uses and, therefore, the UZC requires screening of a wrecking/salvage yard from all uses. Since the UZC requirement for wrecking/salvage yard screening is a Supplementary Use Regulation, the requirement can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff does not recommend waiving the screening requirement.

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The third aspect of the applicant's proposal not supported by planning staff is the applicant's proposal to display salvaged vehicle parts so that they are visible above the screening fence from 21st Street North. The current Conditional Use prohibits this practice as does the UZC; however, the applicant currently displays salvaged vehicle parts in violation of the zoning regulations. As with the screening fence, only the City Council can permit the applicant's proposed display of salvaged vehicle parts, but planning staff does not recommended granting the requested waiver.

No citizens either in favor or in opposition to the request that appeared at the hearings on the request. At the DAB 6 hearing on June 2, 2003, the DAB voted (7-4) to recommend approval for an area larger than recommended by staff but less than requested by the applicant subject to platting within one year and subject to the conditions recommended by staff except that a screening fence be required only on the south and west sides of the property. At the MAPC hearing on June 5, 2003, the MAPC voted (12-0) to recommend approval for the entire application area subject to platting within one year and subject to conditions recommended by staff, except that a screening fence not be required on a portion of the east side. The conditions of approval recommended by the MAPC are:

1. The Conditional Use shall authorize the operation of an iron, metal, and auto wrecking/salvage yard. In no event shall the storage or bailing of waste, scrap paper, rags or junk (excluding metal) be permitted in conjunction with this use.
2. Within 30 days of approval of the Conditional Use by the governing body, all portions of the subject property currently containing wrecking/salvage shall be entirely enclosed by a fence. The fence shall be a white metal panel screening fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence, except for along the eastern most property line adjacent to the drainage channel and railroad tracks and south of the excluded area shown on the approved site plan where a minimum 6-foot high chain link security fence shall be permitted. Prior to wrecking/salvage operations expanding onto any portion of the subject property permitted for such use said fence shall be erected to entirely enclose the expanded area. Access gates shall be permitted in the fence, but all gates shall remain closed unless in use. No wrecked vehicles or salvage, including vehicle parts or accessories, shall be permitted for screening purposes or located on or attached to the fence.
3. The height of wrecked vehicles or salvage, including vehicle parts or accessories, shall not exceed the height of the screening fence and shall not be visible from ground-level view from any public right-of-way or adjoining properties.
4. Salvaged materials are to be piled and stored in an orderly manner such as would be provided by racks or bins. In order to reduce rodent potential, racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the Environmental Health Department to prevent rodent harborage and breeding.
5. The applicant shall maintain at all times an active program for the eradication and control of rodents.
6. Weeds shall be controlled within the salvage area and adjacent to and along the outside perimeter of the screening fence.
7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the wrecking/salvage yard shall be provided by fire lanes per the direction and approval of the Fire Department.
8. Access to the subject property shall be provided for an environmental investigation. Expansion of the wrecking/salvage operation beyond the current limits of the operation shall not occur for a period not to exceed six months from the date of approval of the Conditional Use by the MAPC or governing body, as applicable, to allow time to complete said environmental investigation. The applicant shall permit on-going inspections of the site for soil and groundwater contaminants by the Environmental Health Department and other applicable governmental agencies. If the inspections

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determine it to be necessary, the applicant shall be required to install monitoring wells or permit geo probes on the property to monitor the quality of groundwater and shall pay the cost of an annual groundwater test for contaminants as designated by the Environmental Health Department.

9. Notification shall be given to the Environmental Health Department of any on-site storage of fuels, oils, chemicals, or hazardous wastes or materials. A disposal plan for fuels, oils, chemicals, or hazardous wastes or materials shall be placed on file with the Environmental Health Department. All manifests for the disposal of fuels, oils, chemicals, or hazardous wastes or materials must be kept on file at the site and available for review by the Environmental Health Department.

10. The applicant shall implement a drainage plan approved through the platting process that minimizes non-point source contamination of surface and ground water.

11. The applicant shall obtain and maintain all applicable local, state, and federal permits necessary for the operation of a wrecking/salvage yard.

12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Since the MAPC recommended modifying the Supplementary Use Regulation of the Unified Zoning Code that requires a screening fence on all sides of a wrecking/salvage yard, City Council consideration of the request is required, as only the City Council can waive or modify a Supplementary Use Regulation through the approval of a Conditional Use.

Motion --

Fearey moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Item be returned to the MAPC to be considered along with the 21st Street Corridor Revitalization between I-35 and Broadway. Motion carried 6 to 0. (Mayans absent)

-- carried

ZON2003-26

ZON2003-26 (ASSOCIATED WITH CON2003-16) CONDITIONAL USE FOR BANK ON PROPERTY ZONED GENERAL OFFICE, AND AMENDMENT TO PROTECTIVE OVERLAYS NO. 1 AND NO. 11 – NORTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 03-0719.

The applicant is requesting to allow a bank with a drive-through window and to amend Protective Overlay (P-O) #11 and the western 48 feet of Protective Overlay #1, located on property zoned "GO" General Office. The protective overlay amendments are needed to remove the restriction on P-O #11 to medical service uses only and clarify that P-O #1 allows banks, which are a Conditional Use in the "GO" district, and other general office uses.

The applicant is not requesting changes to other provisions of the protective overlays. Existing provisions of P-O #1 and P-O #11 require monument signs, limit light poles to 14 feet in height and restrict the amount of building lighting, require additional landscaping, and building materials with architectural compatibility and use of materials similar to surrounding residential uses. P-O #11 also limits the use of the property to medical office uses only and building height to 35 feet and two stories with the second story limited to 25 percent of the total building floor area.

The subject property is located on the north side of Maple approximately 300 feet west of the intersection of 135th Street West and Maple.

The property to the east (the remainder of P-O #1) is developed with a brick medical office building. The property to the south is zoned "LC" Limited Commercial (DP-225 Auburn Hills Commercial

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C.U.P.). The eastern half of the property is developed with a small retail strip center that includes a drive-through bank; the western half is vacant.

The northeast and southeast corners of the intersection of 135th Street West and Maple are zoned "LC" also. Overall, approximately 29 acres of commercial zoning exists at this intersection. The surrounding area beyond the commercial uses at the intersection are zoned "SF-5" Single-family residential and being developed with single-family uses except for the Auburn Hills Golf Course to the south.

The proposed site plan contains two points of access, with the easternmost point being less than 200 feet from the existing driveway on the adjoining property. The original staff recommendation was to revise the site plan to align access points in conformance to the city's Access Management Policy. However, a raised median may be installed in front of the adjoining drive in the future since it is less than 300 feet from the intersection right-of-way line. This would make the adjoining drive right-in/right-out only.

At the District V Advisory Board meeting held June 2, 2003, the board voted (4-1) to approve the requested amendments to the protective overlays and the Conditional Use subject to a revised site plan that was distributed at the meeting, although the plan did not meet the city's access management guidelines. There was discussion of the need for good traffic management with internal circulation for the lot. The agent noted that the placement of a utilities box was affecting the placement of the access point. No members of the public were present to speak on the case.

MAPC voted (8-0-1) on June 5, 2003 to approve the requested amendments to the protective overlays and the Conditional Use subject to the revised site plan presented at the DAB V meeting. No members of the public were present to speak on the case.

The recommended conditions for the amendments to the protective overlays (ZON2003-00026) were:

1. The following uses shall be permitted: office, general; medical service; and bank or financial institution with a drive-through window;
2. Freestanding monument signs on the western 48 feet of Lot 1 and all of Lot 2 shall be limited to no more than 20 feet in height.

The recommended conditions for the Conditional Use (CON2003-00016) were:

1. The applicant shall submit a revised site plan for review and approval by the Planning Director, with the revised site plan including those items specified by the Conditional Use Site Plan Guidelines.
2. The site shall be developed in general conformance with the approved site plan.
3. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Motion --

-- carried

Fearey moved that the City Council concur with the findings of the MAPC and approve the amendments to P-O #1 and P-O #11, first reading of the ordinance, and the Conditional Use to permit a bank on property zoned "GO" General Office, subject to the recommended conditions, and adopt the Resolution. Motion carried 6 to 0. (Mayans absent)

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RESOLUTION NO. 03-350

A Resolution authorizing a Conditional Use for bank on 3.4 acres zoned "GO" General Office, located north of Maple and West of 135th Street West in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp (Mayans absent)

PUD NO. 11.

PUD NO. 11 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR SEDGWICK COUNTY JUVENILE COMPLEX – NORTH OF MORRIS AND EAST OF HYDRAULIC. (District I)

Agenda Report No. 03-0720.

On December 16, 1999, the City Council approved the creation of the Sedgwick County Juvenile Complex Planned Unit Development (P.U.D. #11) on property generally located north of Morris and east of Hydraulic. Approval was subject to the condition of platting the property within one year. The applicant indicates that changes in the County's funding strategy have delayed filing the plat from the initially anticipated timeframe. Therefore, the applicant has requested an extension of time to complete platting to January 1, 2004. MAPC Policy Statement No. 5 indicates that such extensions of time to complete platting require City Council approval.

Motion --
-- carried

Fearey moved that the extension of time to complete platting to January 1, 2004, be approved. Motion carried 6 to 0. (Mayans absent)

SUB2002-54

SUB2002-54 – PLAT OF SISTERS OF ST. JOSEPH FIFTH ADDITION – NORTH OF HARRY, EAST OF HILLSIDE. (District III)

Agenda Report No. 03-0721.

This site, consisting of one lot (10.13 acres), is a replat of portions of Hilltop Manor and Hilltop Manor Second Addition along with unplatted property. The site has been approved for a zone change (ZON 2002-08) from "TF-3" Two-Family Residential District to "B" Multi-Family Residential District for use as an elderly apartment living facility. Municipal services are available to serve the site.

For those reserves being platted for drainage purposes, a Restrictive Covenant that provides for ownership and maintenance of the reserves has been provided. A Cross-Lot Access Agreement has been provided with the property owners to the north.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds

The Restrictive Covenant and Cross-Lot Access Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and plat be approved, the necessary signatures be authorized, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Mayans absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2002-08)

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SUB2002-119

SUB2002-119 – PLAT OF COPPER GATE SECOND ADDITION – SOUTHWEST CORNER OF 135TH STREET WEST AND 13TH STREET NORTH. (District V)

Agenda Report No. 03-0722.

This site, consisting of two lots (5.44 acres) is zoned “LC” Limited Commercial District. This site has recently been annexed into the City of Wichita and is subject to the Copper Gate Community Unit Plan (DP-231).

Municipal water service is available to serve the site; however, sewer services are needed. A Sewer Petition (100%) and a Certificate of Petition have been submitted for the sewer improvement.

A Joint Access Easement between Lots 1 and 2, Block A, has been submitted to allow ingress and egress to 13th Street North and to 135th Street West.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition and Joint Access Easement will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and Plat be approved; the necessary signatures be authorized, and the Resolutions be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-351

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Northwest Interceptor Sewer (south of 13th Street, West of 135th Street West) 468-83665, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

SUB2003-31

SUB2003-31 – PLAT OF WICHITA FAMILY VISION ADDITION – WEST OF TYLER, SOUTH OF CENTRAL. (District V)

Agenda Report No 03-0723.

Background: This unplatted site, located within the City of Wichita, consists of one lot (.41 acres). A zone change (ZON 2000-35) from “SF-5” Single-Family Residential District to “GO” General Office District has been approved. This site is subject to a Protective Overlay (PO #79) established by the zoning case. Municipal services are available to serve the site.

A Notice of Protective Overlay has been submitted addressing permitted uses, signage, architectural design and access. A Cross-Lot Access Agreement has been provided with the adjacent property to the north.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay and Cross-Lot Access Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the documents and plat be approved, the necessary signatures be authorized, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Mayans absent)

ORDINANCE

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An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. (ZON2002-35)

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**SUB2003-63
STREET IMP.**

**STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2003-63 – WEST OF
MERIDIAN, NORTH OF CENTRAL. (District VI)**

Agenda Report No. 03-0724.

This No Protest Agreement for the paving of Murdock Avenue. The Lot Split will allow for the creation of an additional lot zoned SF-5, Single Family Residential District. This Agreement assures the City of Wichita that this property will be included in the paving improvements and that the owners have waived their right to protest said paving improvement.

The No Protest Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Fearey moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

ZON2002-05

**ZON2002-05 – ZONE CHANGE REQUEST FROM SINGLE-FAMILY DISTRICT TO
LIMITED COMMERCIAL DISTRICT – SOUTH OF HARRY, EAST SIDE OF WEBB ROAD.
(District II)**

Agenda Report 03-0725.

ZON 2002-00005 was approved by the City Council on April 2, 2002. The action of the City Council was to approve the zone change subject to replatting within one year.

The associated plat (Subway Addition) was approved on April 1, 2003, and the Ordinance is being forwarded for first reading.

Motion -- carried

Fearey moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Mayans absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. (ZON2002-05)

A03-15

**A03-15 ADOPTION OF A RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE
UNILATERAL ANNEXATION OF ELIGIBLE PROPERTIES – NORTH OF 29TH STREET
NORTH, WEST OF NORTH MAIZE ROAD. (District V)**

Agenda Report No. 03-0726.

The properties proposed for annexation are generally located north of 29th Street North and west of N. Maize Road. A resolution has been submitted for consideration by the City Council to establish a future public hearing date of September 9, 2003, for consideration of a unilateral annexation.

This annexation constitutes an additional phase of annexation (referred to as Phase IA) to the original two-phase annexation initiative proposed by the City of Wichita in the area of northwest Wichita. The subject area for this phase consists of approximately 46 acres and 31 properties (27 platted, 4 unplatted), including local road segments. The land use pattern of this area is residential. There are 30 residential tracts and 1 vacant tract. The annexation area is zoned "SF-20" Single-Family Residential. These properties will convert to the "SF-5" Single-Family Residential district upon annexation ("SF-10" Single-Family Residential if requested by property owner and approved by the governing body).

The land proposed for annexation is located within the area identified as "low-density residential" according to the 2002 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. The land use pattern within the annexation area is consistent with its

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land use designation in the updated Plan. The annexation area falls within the 2010 Wichita Urban Service Area boundary.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. There are 0.8 miles of unpaved local streets with open ditches in the annexation area. These streets will require approximately \$1,900 of grading annually.

Developed properties in the proposed annexation area are currently being served by private water and sewer systems. However, City of Wichita water lines are located nearby in portions of Maize Road, Tyler Road, and 29th Street North. The City's 2002-2011 Capital Improvement Plan has planned further water main extension projects within the annexation area. Water service can be provided upon petition by a majority of benefiting property owners.

As for sanitary sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. The City of Wichita is expanding the sewer service capacity of the general area via the Northwest Sewage Treatment Plant located at 135th Street West and 37th Street North. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Sanitary sewer service can be provided upon petition by a majority of benefiting property owners.

Fire protection to the annexation area is currently provided on the basis of a first-responder agreement between the City and the County, and that service will continue following annexation. Police protection will be provided by the Patrol West Bureau of the Wichita Police Department, located at 661 N. Elder.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. The Northwest Wichita Service Extension Plan, including Addendum No.1, outlines the City's intention to provide major municipal services to this annexation area, and is on file in the City Clerk's Office.

The total appraised value of the land and improvements proposed for annexation is \$3,839,820 resulting in an annual City Ad Valorem tax revenue of approximately \$13,868. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed amongst the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution and a sketch map must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --
-- carried

Fearey moved that the Resolution establishing the hearing at 7:00 p.m., September 9, 2003, at 7001 West 21st Street North, be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 03-352

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property generally located North of 29th Street North, and west of North Maize Road to the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent) (A03-15)

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AIRPORT AGENDA

AIRPORT

TENANT FACILITY IMPROVEMENTS.

Agenda Report No. 03-0727.

The Federal Aviation Administration (FAA) currently leases WAA facilities located at 1761 and 1801 Airport Road on Wichita Mid-Continent Airport. The FAA is desirous of making security improvements to each of these facilities. The 2003 Capital Improvements Program (CIP) includes a project for tenant facility improvements.

The FAA has studied its current needs and is desirous of implementing the changes to each of these facilities at this time.

The project is estimated to cost \$220,000. This amount will be funded with General Obligation Bonds, the cost of which will be recovered through FAA rental rates.

Motion --
-- carried

Fearey moved that the project be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. A-03-008

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

EXECUTIVE SESSION

Motion --

-- carried

Fearey moved that the City Council recess and move to executive session at 10:50 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; and that the City Council return no earlier than 11:25 a.m. Motion carried 6 to 0. (Mayans absent)

RECESS

The City recessed at 10:37 a.m. and returned to regular session at 11:25 a.m.

Vice Mayor Fearey

Vice Mayor Fearey announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:25 a.m.

Pat Graves CMC
City Clerk